

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL VALENZUELA CERVANTES,

No. 2:20-cv-00232-DAD-AC (PC)

Plaintiff,

v.

S. BURCIAGA,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT

Defendant.

(Doc. Nos. 93, 111)

Plaintiff Raul Valenzuela Cervantes is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 26, 2022, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion for summary judgment (Doc. No. 93) be granted because plaintiff's claims in this action are barred by the applicable statute of limitations. (Doc. No. 111.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 13.) No objections have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the

1 court concludes that the findings and recommendations are supported by the record and proper
2 analysis.

3 Accordingly:

- 4 1. The findings and recommendations issued on September 26, 2022 (Doc. No. 111)
5 are adopted in full;
- 6 2. Defendant's motion for summary judgment (Doc. No. 93) is granted on the ground
7 that plaintiff's complaint in this action is barred by the applicable statute of
8 limitations;
- 9 3. Judgment shall be entered in favor of defendant; and
- 10 4. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: February 12, 2023

Dale A. Drayd
13 UNITED STATES DISTRICT JUDGE

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